

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

KENTUCKY REAL ESTATE COMMISSION,

Defendant.

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Civil Action No. 3:05-cv-00188-S

UNITED STATES’S EXPLANATION OF CONSENT DECREE PROCEDURES

The United States submits this memorandum summarizing the procedures regarding the Court’s entry of the proposed Final Judgment. This Final Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) (“the APPA”), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the United States has filed a proposed Final Judgment, and a Stipulation and Order between the parties by which they have agreed that the Court may enter the proposed Final Judgment following the United States’s compliance with the APPA.

2. The United States very shortly will file a Competitive Impact Statement relating to the proposed Final Judgment. 15 U.S.C. § 16(b).

3. The APPA requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the Federal Register and in certain newspapers at least sixty days before the effective date of the Final Judgment. The notice will inform the public that they may review the Complaint, proposed Final Judgment, Competitive Impact Statement, and Stipulation and Order filed in this matter, and submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division. 15 U.S.C. §§ 16(b)-(c).

4. During the sixty-day period, the United States will consider, and at the close of that period, respond to, any comments that it has received. The United States will then file with the Court and publish in the Federal Register (unless upon application of the United States, the Court, for good cause, authorizes an alternative method of public dissemination) the comments and the United States's responses thereto. 15 U.S.C. § 16(d).

5. After the sixty-day period expires, the United States may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by the Stipulation and Order). *See* 15 U.S.C. § 16(d).

6. If the United States requests that the Court enter the Final Judgment

after compliance with the APPA, then the Court may enter the Judgment without a hearing, provided that it concludes that entry of the Final Judgment is in the public interest. 15 U.S.C. §§ 16(e)-(f).

Dated: 13 July 2005  
Washington, D.C.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2005, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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